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3. **APPEAL AND ERROR**—*Record*—*Papers not before trial court.* This court cannot consider papers that were not before the trial court at the time its decree was entered, and were filed with the papers of the cause, without authority, after the adjournment of the term at which the decree appealed from was entered.

BRANCH v. COMMONWEALTH.—Decided at Wytheville, June 19, 1902.—*Cardwell, J.*:

The possession of goods recently stolen is *prima facie* evidence that the person found in possession is the thief, but not that he is guilty of burglary, where the goods were obtained by burglary, unless it appears that he could only have gotten them by taking them from the house feloniously entered. If, however, the accused refuse to give any account, or give a false account, of how he came into possession of the goods, or if other culpable facts be proved, he may be found guilty of the burglary.

WESTERN UNION TELEGRAPH Co. v. REYNOLDS.—Decided at Wytheville, June 19, 1902.—*Whittle, J.*:

1. **TELEGRAPH COMPANIES**—*Interstate commerce—Domestic messages.* Where the initial and terminal points of a telegram are both in the same State, and it is transmitted over the wires of the same company, and concerns only citizens of the same State, the message is a domestic message, and its character as such is not affected by the circumstance that the line passes in part over the territory of another State, or that the company has established a relay office in such other State. The contract for the transmission of such a message is entire, and possesses no element of interstate commerce.

2. **APPEAL AND ERROR**—*Constitutionality of statute.* When the constitutionality of an Act of Assembly has been determined by this court the question ceases to be debatable, and does not furnish ground for the jurisdiction of the court in cases thereafter arising.

BLANCHARD v. CITY OF BRISTOL.—Decided at Wytheville, June 26, 1902.—*Whittle, J.*:

1. **MUNICIPAL CORPORATIONS**—*License taxes—Penalties—City of Bristol.* The city of Bristol has the power, both under the general law (Code, sec. 1040), and under its charter, to impose a license tax on lawyers; and the power to impose fines and penalties for a failure to pay a license tax is not only an incident of the power to levy the tax, but, in the case at bar, is expressly conferred by the charter of the city. *Acts 1899-1900*, p. 639.

2. **MUNICIPAL CORPORATIONS**—*Ordinances—Enforcement—Prescribed method.* Where the charter of a municipal corporation prescribes the manner in which its by-laws and ordinances are to be enforced, that method, as a general rule, is exclusive and must be pursued.